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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,035	09/25/2003	Lisa C. Meteyer	50269-0598	8036
29989 7590 10/29/2007 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,035	Applicant(s) METEYER ET AL.	
	Examiner Jakieda R. Jackson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed May 16, 2007, applicant submitted an amendment filed on August 16, 2007, in which the applicant traversed and requested reconsideration with respect to **claim 14**.

Response to Arguments

2. Applicant argues that Pajwani does not describe identifying a first passage in a job description that includes a first trigger phrase from a first set of predefined trigger phrases, wherein said first set of predefined trigger phrases is associated with a first type of criterion, extracting a first criterion from the first passage, wherein said first criterion passage is associated with the first type of criterion, identifying a second passage in the job description that includes a second trigger phrase from a second set of predefined trigger phrases, wherein said second set of predefined trigger phrases is associated with a second type of criterion and extracting a second criterion from the second passage, wherein said second criterion is associated with the second type of criterion. In particular, Applicant argues that Pajwani teaches away from identifying a passage in a job description that includes a trigger phrase associated with a type of criterion because Pajwani teaches that job criteria and job profile data are directly entered by the job seeker and stored in the job criteria and job profile databases. Pajwani does not identify trigger phrases in passages because Pajawani simply matches data in the databases that have been directly entered by the job seeker and consequently, would not require identifying criteria in job description or resume

passages. Pajwani does not teach or suggest searching through passages of resumes or job descriptive texts and identifying passages with trigger phrases associated with a type of criterion. Applicants' arguments are not persuasive.

In response to Applicant's arguments that Pajwani teaches away from the invention, a prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness; however, "the nature of the teaching is highly relevant and must be weighted in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." *In re Gurley*, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994).... The court held the claims would have been obvious over prior art because the reference taught epoxy resin based material was useful for applicant's purpose, applicant did not distinguish the claimed epoxy from the prior art epoxy, and applicant asserted no discovery beyond what was known in the art. Furthermore, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed..." *In re Fulton*, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). Arguments that alleged anticipatory prior art teaches away from the invention is not germane to a rejection under section 102. A reference is no less anticipatory if, after disclosing the invention, the reference then disparages it. The question whether a reference teaches away from the invention is inapplicable to an anticipation analysis.

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Furthermore, according to the claim language it not clear that the seeker can not enter information. Based on the passage of the job description which is entered by the user, trigger phrases can be identified to associate a type of criterion, in which the information can be extracted.

In response to applicant's arguments, the recitation "searching through passages of resumes or job descriptive texts" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Therefore, Applicants arguments are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 14-16, 19, 21, 24-27, 30-32 and 35** are rejected under 35 U.S.C. 102(e) as being anticipated by Pajwani (PGPUB 2004/0148180).

Regarding **claim 14**, Pajwani discloses a method of providing search results from a search of candidate resumes, said method comprising the machine-implemented steps of:

identifying a first passage in a job description that includes a first trigger phrase from a first set of predefined trigger phrases, wherein said first set of predefined trigger phrases is associated with a first type of criterion (first category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

extracting a first criterion from the first passage, wherein said first criterion passage is associated with the first type of criterion (first criterion; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

identifying a second passage in the job description that includes a second trigger phrase from a second set of predefined trigger phrases, wherein said second set of predefined trigger phrases is associated with a second type of criterion (second category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

extracting a second criterion from the second passage, wherein said second criterion is associated with the second type of criterion (second category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

searching a candidate resume for said first and second criterion (seek; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

if said first criterion is found in the candidate resume, then including said candidate resume in the search results (resume; column 5, paragraphs 0061 with column 3, paragraphs 0040-0042 – column 4, paragraph 0044 and column 6, paragraph 0073); and

if said criterion is not found in the candidate resume, and the second criterion is found in the candidate resume, then omitting the candidate resume from the search results (not any matches; column 6, paragraphs 0073 with column 3, paragraph 0040-0042 – column 4, paragraph 0044).

Regarding **claim 15**, Pajwani discloses a method wherein said candidate resume is a first candidate resume, further comprising the steps of:

searching a second candidate resume for said first and second criteria (see; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

if said second criterion is found in both the first and second candidate resume and not found in the second candidate resume, then listing the first candidate resume in a first portion of the search results and listing second candidate resume in a second portion of the search results (column 3, paragraphs 0040-0042 – column 4, paragraph 0044).

Regarding **claim 16**, Pajwani discloses a method wherein said first portion is listed in the search results above said second portion (column 3, paragraphs 0040-0042 – column 4, paragraph 0044).

Regarding **claim 19**, Pajwani discloses a method wherein the step of identifying a first passage in the job description that includes a first trigger phrase comprises

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identifying a clause of a sentence in the job description that contains a trigger phrase selected from the first set of trigger phrases (column 6, paragraphs 0070-0073); and the step of extracting a first criterion from the first passage comprises extracting a portion of the identified clause that does not contain the first trigger phrase (not any matches; column 6, paragraphs 0070-0073).

Regarding **claim 21**, Pajwani discloses a method wherein the step of extracting a first criterion from the first passage further comprises validating the first criterion (first category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044); and the step of searching a candidate resume for said first and second criterions comprises searching a candidate resume for said first and second valid criterions (second category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044).

Regarding **claim 24**, Pajwani discloses a method further comprising: identifying a third passage in the job description that includes a third trigger phrase from the first set of predefined trigger phrases (first category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

extracting a third criterion from the third passage, wherein said third criterion is associated with the first type of criterion (first category; column 3, paragraphs 0040-0042);

searching a candidate resume for said first, second and third criterions (seek, first, second and third category; column 3, paragraphs 0040-0042 – column 4, paragraph 0044);

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if both said first criterion and second criterion are found in the candidate resume, then including said candidate resume in the search results (column 3, paragraphs 0040-0042 – column 4, paragraph 0044 with column 6, paragraph 0073); and

if either said first criterion or said third criterion is not found in the candidate resume, then omitting the candidate resume from the search results (no match; column 3, paragraphs 0040-0042 – column 4, paragraph 0044 with column 6, paragraph 0073).

Regarding **claims 25-27, 30-32 and 35**, Pajwani discloses a computer-readable medium (machine-readable medium) carrying one or more sequences of instruction which, when executed by one or more processors, cause the one or more processors to perform the method (instructions to the processor; column 2, paragraph 0033).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 17-18 are 28-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pajwani in view of Chapman (PGPUB 2005/0033698).

Regarding **claim 17**, Pajwani discloses a method wherein the first type of criterion is a required type (required; columns 3-4, paragraphs 0042-0044), but does not specifically teach wherein said second type of criterion is an optional type.

Chapman teaches a method wherein said second type of criterion is an optional type (column 3, paragraph 0033-0037 and column 6-7, paragraphs 0057-0064), for finding the appropriate and available person.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pajwani's method wherein said second type of criterion is an optional type, as taught by Chapman, to determine who is both available and qualified to perform the duties (column 1, paragraphs 0006-0007).

Regarding **claim 18**, Pajwani discloses a method wherein the first set of predefined trigger phrases includes phrases selected from the group of phrases consisting of require, requires, requirement (required; columns 3-4, paragraphs 0042-0044), but does not specifically teach the other phrases consisting of compulsory, crucial, essential, imperative, must, mandatory, vital, imperative, necessary, qualification, prerequisite, key criteria, is key, got to, has to have to and key skill; and

the second set of predefined trigger phrases includes phrases selected from the group of phrase consisting of optional, desired and preferred.

Chapman teaches a method wherein it teaches phrases consisting of qualification (qualifications), and key skill (skill; column 3, paragraph 0033-0037 and column 6-7, paragraphs 0057-0064); and

the second set of predefined trigger phrases includes phrases selected from the group of phrase consisting of desired (desires; column 3, paragraph 0033-0037 and column 6-7, paragraphs 0057-0064), for finding the appropriate and available person, but does not specifically teach phrases consisting of compulsory, crucial, essential,

imperative, must, mandatory, vital, imperative, necessary, prerequisite, key criteria, is key, got to, has to have to, optional and preferred.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pajwani in view of Chapman's method wherein it is included all of the different phrases, to determine who is both available and qualified to perform the duties (column 1, paragraphs 0006-0007).

Regarding **claim 28-29**, Pajwani discloses a computer-readable medium (machine-readable medium) carrying one or more sequences of instruction which, when executed by one or more processors, cause the one or more processors to perform the method (instructions to the processor; column 2, paragraph 0033).

7. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Pajwani in view of Peikes (USPN 7,096,420).

Regarding **claim 20**, Pajwani discloses a method of providing search results, but does not specifically teach a method wherein the step of identifying a first passage in the job description that includes a first trigger phrase comprises identifying in the job description a trigger phrase from the first set of trigger phrases followed by either a colon or hyphen; and

the step of extracting a first criterion from the first passage comprises extracting the sentence that follows the colon or hyphen that follows the first trigger phrase in the job description.

Peikes discloses a method wherein the step of identifying a first passage in the job description that includes a first trigger phrase comprises identifying in the job description a trigger phrase from the first set of trigger phrases followed by either a colon or hyphen (colon; column 12, lines 15-34); and

the step of extracting a first criterion from the first passage comprises extracting the sentence that follows the colon or hyphen that follows the first trigger phrase in the job description (colon; column 12, lines 15-34), to disambiguate tags.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pajwani's method wherein it teaches a colon or hyphen that follows the first trigger phrase, as taught by Peikes, for automatically documenting command file tags and for generating skeleton documentation content from operating system command files (column 1, lines 20-26).

8. **Claims 22 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pajwani in view of Cherry et al. (PGPUB 2002/0116203), hereinafter referenced as Cherry.

Regarding **claim 22**, Pajwani discloses a method of providing search results, but does not specifically teach wherein the step of validating the first criterion comprises:

determining whether the first trigger phrase in the first passage is preceded by a negating word; and if the first trigger phrase is preceded by a negating word, then determining that the first criterion is not valid.

Cherry teaches a method for managing job resumes wherein the step of validating the first criterion comprises:

determining whether the first trigger phrase in the first passage is preceded by a negating word; and if the first trigger phrase is preceded by a negating word, then determining that the first criterion is not valid (Boolean operations; column 2, paragraphs 0023-0025), to enable candidates to submit their resumes online in a number of ways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pajwani's method wherein it wherein the trigger phrase is preceded by a negating word, then determining that the first criterion is not valid, as taught by Cherry, to automatically and efficiently manage job resumes with minimal human intervention (column 1, paragraphs 0008 and 0018).

Regarding **claim 33**, Pajwani discloses a computer-readable medium (machine-readable medium) carrying one or more sequences of instruction which, when executed by one or more processors, cause the one or more processors to perform the method (instructions to the processor; column 2, paragraph 0033).

9. **Claims 23 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pajwani in view of Peikes, as applied to claim 20 above, and in further view of Cherry et al. (PGPUB 2002/0116203), hereinafter referenced as Cherry.

Regarding **claim 23**, Pajwani in view of Peikes disclose a method of providing search results, but does not specifically teach the step of validating the first criterion comprises;

determining whether the first trigger phrase in the first passage is part of a phrase from a set of nontrigger phrases; and if the first trigger phrase in the first passage is part of a phrase from a set of nontrigger phrases, then determining that the first criterion is not valid.

Cherry teaches a method for managing job resumes wherein the step of validating the first criterion comprises;

determining whether the first trigger phrase in the first passage is part of a phrase from a set of nontrigger phrases; and if the first trigger phrase in the first passage is part of a phrase from a set of nontrigger phrases, then determining that the first criterion is not valid (Boolean operations; column 2, paragraphs 0023-0025), to enable candidates to submit their resumes online in a number of ways.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pajwani in view of Peikes method wherein it comprises nontrigger phrases, as taught by Cherry, to automatically and efficiently manage job resumes with minimal human intervention (column 1, paragraphs 0008 and 0018)

Regarding **claim 34**, Pajwani discloses a computer-readable medium (machine-readable medium) carrying one or more sequences of instruction which, when executed

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by one or more processors, cause the one or more processors to perform the method (instructions to the processor; column 2, paragraph 0033).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JRJ
October 19, 2007



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